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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,443	06/23/2003	Eduard Bergmann	KOA 0233 PUS (R 1420)	7995
22045	7590	06/29/2006	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			LEMMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,443	BERGMANN ET AL.	
	Examiner	Art Unit	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/03, 07/03, 11/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. **Claims 1-9** have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

3. Therefore, the effective filing data for the subject matter defined in the pending claims of this application is **02/15/2001**.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by **Joseph David King** (hereinafter referred as **King**)(U.S. Patent No. 6,556,681 B2) (filed on August 26, 1998)

6. **As per independent claims 1, 3, 5 and 8 King discloses a keyless authorized access control system**, [Abstract, figure 1 & 2] **the system comprising:**

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- **At least two object modules**, [Figure 2, ref. Num “44a” and “44b”, “receiving systems” & column 3, lines 34-47] **each object module** [figure 2, ref. Num “44a” and “44b”] **being assigned to a respective object** [“garage door opener object & home security system object”] (On column 3, lines 34-47 and the corresponding figure 2, the following has been recited. “Upon receiving the digital code, the receiving system 44a, which met to be one object module, activates the system, such as opening or closing the garage door which met to be the respective object for object module 44a. When the user activates the second switch 34b, the code-generation circuitry 30 accesses the second data module 14b, which met to be the other object modules and generates a second digital code, based upon a second cryptographic algorithm. This second digital code is transmitted via the antenna 38 by the oscillator 36, possibly at a second frequency and utilizing a second modulation scheme. This wireless signal is received by the second receiving system 44b/the other object module, such as a home security system which met to be the respective object for object module 44b which activates the system based upon receiving the proper digital code.”) and
- **At least one identification device**, [Figure 1, ref. Num “10/transmitter system” or figure 1, ref. Num “12”, “trainable transmitter”] (Transmitter system shown on figure 1, ref. Num 10 met the identification device) **each identification device having a microprocessor** [column 1, lines 48-60] **and a memory element** [column 2, lines 21-28];
- **wherein each identification device and the object modules have respective bidirectional data communications links between them** [column 3, lines 28-47, figure 1 and 2, see, in particular “transmission via antenna” on column 3, line 42] **for communicating encoded data, the data communicated**

between an identification device and an object module being encoded using an encryption algorithm that performs a symmetric encryption method which uses an encryption parameter respectively assigned to the object module [column 3, lines 28-36 , column 3, lines 12-17, column 1, lines 48-60]

(On column 3, lines 28-36, the following has been disclosed, In operation, referring to FIGS. 1 and 2, when the user activates one of the switches 34a, for example, the code-generation circuitry 30 accesses the corresponding data module 14a to obtain the code-generation algorithms and other data. The code-generation circuitry 30 then generates the appropriate digital code, which is transmitted via the antenna 38 by the oscillator 36. This wireless signal is received by the receiving system 44a, such as a garage door opener. And this meets the limitation “communicating encoded data, the data communicated between an identification device and an object module being encoded using an encryption algorithm that performs encryption method which uses an encryption parameter respectively assigned to the object module”. Furthermore on column 3, lines 12-17, the following has also been recited, “In operation, a user initially selects one of the data modules 14a-e which corresponds to the garage door opener (or other security system) that the user wishes the vehicle transmitter system 10 to operate. The selected data module 14 must have the same cryptographic algorithm, frequency, modulation, etc. that the receiving garage door opener receiver utilizes.” And this meets the limitation of “symmetric encryption method”}

- **wherein the memory element of each identification device stores at least two different encryption algorithms** [column 1, lines 16-22] (Further, the current trainable transmitters pre-store a plurality of cryptographic algorithms allowing the trainable transmitter to be universal. This provides convenience to the consumer by allowing the trainable transmitter to be

compatible with many home products, such as garage door openers.) **wherein the microprocessor of an identification device selects one of the stored encryption algorithms to be used for encoding the data to be communicated between the identification device and an object module.**[Column 1, lines 48-60 and column 2, lines 50-61] (The present invention provides a re-configurable trainable transmitter including a removable plug-in data module which contains a cryptographic algorithm and the other information necessary for generating a wireless signal containing a code associated with a specific security system. The trainable transmitter generally comprises a transmitter and code-generation circuitry, such as a microprocessor. The microprocessor generates a digital code based upon the data in the data module, including the cryptographic algorithm. The microprocessor determines a digital code based upon the cryptographic algorithm and the transmitter generates a wireless signal including the digital code at a frequency also specified by the data module.)

7. **As per independent claims 2, 4 King** discloses a system as applied to claims above. **Furthermore King** discloses the system wherein: the encryption algorithm to be used for encoding the data to be communicated between the identification device and an object module is assigned by the identification device to the object module during a single initialization process between the identification device and the object module. [Column 1, lines 48-60 and column 3, lines 28-47]

8. **As per independent claims 6 & 9 King** discloses a system as applied to claims above. **Furthermore King** discloses the system wherein: the encryption algorithms stored in the memory element are configurable and replaceable through a programming interface. [column 1, lines 48-60, figure 1 & 2 and column 2, lines 29-61]

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9. **As per independent claim 7 King** discloses a system as applied to claims above. **Furthermore King** discloses the system wherein: the memory element is integrated in the microprocessor. [Column 1, lines 48-60 , figure 1 & 2 and column 2, lines 45-61]

Conclusion

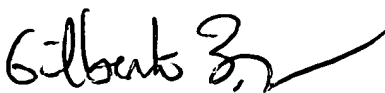
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571 -873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA
S.L.
06/15/2006


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